

Attorney Docket No.:F3319(C)  
Serial No.:10/678,461  
Filed: October 3, 2003  
Confirmation No.: 3331

### **Amendments to the Claims**

This listing of claims will replace all prior versions, and listings, of claims in the application.

### **Listing of the Claims:**

Claim 1 (currently amended): Process for the production of frozen fruits which when eaten frozen better retain the flavor and structure of unfrozen fruit, said fruits characterized by a surface and a core, said process comprising the steps of

- i) cooling fruits to a temperature of 0 C,
- ii) under-cooling fruits from 0 C to a temperature between -6 C and -15 C that is at least 5 C below the freezing point of the fruit, at a rate of between 2 C per hour and 320 C per hour with the proviso that the cooling rate employed during under-cooling provides a temperature difference between the surface and core of the fruit which is less than 1.5 C, and
- iii) reducing the temperature further until ice formation occurs to produce fruits in a frozen state;

~~wherein during under cooling, the temperature difference between the core and the surface of the fruit is less than 1.5 C.~~

Claims 2 and 3 (canceled)

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Claim 4 (previously presented): Process according to claim 1 wherein the fruits are selected from the group consisting in kiwi, mango, grapes, banana, berries, pears, apples, orange, lemon, peach, pineapple, melon, apricots, strawberries, raspberries, blackberries, blackcurrants, blueberry, red currant, nectarine, cranberry, passion fruit, papaya, lychees, pomegranate, fig, plum, lime, grapefruit, cherry, gooseberry, summer squash, persimmon, dates, tangerine, guava, kumquat & rhubarb.

Claim 5 (original): Process according to claim 4 wherein the fruits are selected from the group consisting in kiwi, mango, grapes, banana, strawberries, raspberries, blackberries, blackcurrants, melon, blueberry, red currant, nectarine, pineapple, cranberry, peach.

Claim 6 (withdrawn): Frozen fruits salad made of individual fruit bits, wherein more than 50% by number of the fruit bits have a fracture force of less than 0.01kN.

Claim 7 (withdrawn): Frozen fruits salad according to claim 6 wherein the fruits are selected from the group consisting in kiwi, mango, grapes, banana, berries, pears, apples, orange, lemon, peach, pineapple, melon, apricots, strawberries, raspberries, blackberries, blackcurrants, blueberry, red currant, nectarine, cranberry, passion fruit, papaya, lychees, pomegranate, fig, plum, lime, grapefruit, cherry, gooseberry, summer squash, persimmon, dates, tangerine, guava, kumquat & rhubarb.

Claim 8 (withdrawn): Frozen fruits salad according to claim 7 wherein, the fruits are selected from the group consisting in kiwi, mango, grapes, banana, strawberries, raspberries, blackberries, blackcurrants, melon, blueberry, red currant, nectarine, pineapple, cranberry, peach.

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Claim 9 (withdrawn): Frozen fruits salad according to claim 6 wherein frozen fruits are at a temperature of between -10 C and -20C.

Claim 10 (withdrawn): Frozen dessert comprising a frozen aerated edible confection and frozen fruits either as a topping or included in the frozen aerated confection wherein more than 50% by number of the fruit bits have a fracture force of less than 0.01kN.

Claim 11 (withdrawn): Frozen dessert according to claim 10 wherein frozen fruits are selected from the group consisting in kiwi, mango, grapes, banana, berries, pears, apples, orange, lemon, peach, pineapple, melon, apricots, strawberries, raspberries, blackberries, blackcurrants, blueberry, red currant, nectarine, cranberry, passion fruit, papaya, lychees, pomegranate, fig, plum, lime, grapefruit, cherry, gooseberry, summer squash, persimmon, dates, tangerine, guava, kumquat & rhubarb.

Claim 12 (withdrawn): Frozen dessert according to claim 11 wherein frozen fruits are selected from the group consisting in kiwi, mango, grapes, banana, strawberries, raspberries, blackberries, blackcurrants, melon, blueberry, red currant, nectarine, pineapple, cranberry, peach.

Claim 13 (previously presented): Process according to claim 1 wherein the under-cooling is at a rate from between 10 C per hour and 320 C per hour.

Claim 14 (previously presented): Process according to claim 1 wherein the under-cooling is at a rate from between 40 C per hour and 320 C per hour.

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Claim 15 (canceled)

Claim 16 (New): Process according to claim 1 wherein the fruits in a frozen state have a fracture force of less than 0.01kN when measured at a temperature of -18 C.